



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2022
PRESENT

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The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21902 of 2022

Praveen Kumar

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Thallakulam Police Station,
Madurai City
(Crime No.798 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Karuppuchamy.S, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

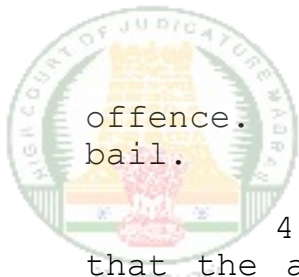
PRAYER :- For Anticipatory Bail in Crime No.798 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 395 of I.P.C, in Crime No.798 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 07.11.2022, while the defacto complainant was sitting in the park along with his friends, six unknown persons came there and by showing knife, robbed his mobile phone. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false case was foisted against him. He was already arrested in Crime No.544 of 2022, on the file of Madhichiyam Police Station and based on his confession given in that case, he has been implicated in this case. Though the petitioner has got bail in Crime No.544 of 2022, the respondent Police did not take any steps to formally arrest the petitioner in this case. The petitioner is studying in 12th Standard, in Madura College Higher Secondary School, Madurai and he is in no way connected with the



offence. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons snatched the mobile phone of the defacto complainant and it has been recovered from A2. In this case, investigation is not yet completed. Considering the gravity of the offence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of the offence and also the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Madurai**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties each (one surety shall be either father or mother of the petitioner) for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police every Saturday at 10:30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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[f] if the accused/ petitioner thereafter absconded, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/12/2022

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/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. KARUPPUCHAMY.S Advocate SR.No.14834

ORDER

IN

CRL OP(MD) No.21902 of 2022
Date :14/12/2022

PNM
SA/VR/SAR.3/22.12.2022/3P/6C